

Message Text

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ACTION EB-08

INFO OCT-01 AF-10 ARA-10 EUR-12 NEA-10 IO-13 ISO-00
EA-10 FEA-01 AGRE-00 CEA-01 CIAE-00 COME-00
DODE-00 FRB-03 H-01 INR-07 INT-05 L-03 LAB-04
NSAE-00 NSC-05 PA-01 AID-05 SS-15 STR-04 ITC-01
TRSE-00 USIA-06 PRS-01 SP-02 OMB-01 STRE-00 OIC-02
/142 W

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P R 191725Z AUG 77

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 472

INFO AMEMBASSY BOGOTA

AMEMBASSY BRUSSELS

AMEMBASSY BUENOS AIRES

AMEMBASSY CAIRO

AMEMBASSY CARACAS

AMEMBASSY KINSHASA

AMEMBASSY MEXICO

AMEMBASSY OTTAWA

AMEMBASSY QUITO

AMEMBASSY TEHRAN

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USMTN, USEEC

ACTION STR FOR GREENWALD, FEKETEKUTY, FLAIG, LAWRENCE

PASS COMMERCE

E O 11652: NA

TAGS: ETRD, GATT, MTN

SUBJ: NOTIFICATIONS OF EXPORT RESTRICTIONS IN MTN: STATUS REPORT

REF: A) GENEVA 0121 (NOTAL; B) GENEVA 3154 (NOTAL);

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C) STATE 100122 (NOTAL)

BEGIN SUMMARY: U.S. NOTIFICATIONS OF EXPORT RESTRICTIONS
MAINTAINED BY 47 COUNTRIES, SUBMITTED AS PART OF EFFORT
TO DEAL WITH "THE SUPPLY ISSUE" IN THE MTN, HAVE TO DATE
ELICITED RESPONSES FROM ALL COUNTRIES NOTIFIED BUT
THREE (EGYPT, IRAN, ZAIRE). MAJORITY OF COUNTRIES

RESPONDING TO GATT SECRETARIAT HAVE RESERVED RIGHT TO COMMENT ON NOTIFICATIONS AT A LATER STAGE, BUT NEARLY AS MANY HAVE COMMENTED SUBSTANTIVELY. WE REQUEST RECHEDKING OF SOME MEASURES NOTIFIED, AND SUGGEST REPRESENTATION IN CAPITALS TO NUDGE "HARD-LINERS" INTO MORE FORTHCOMING POSITIONS. END SUMMARY.

1. AS REPORTED PREVIOUSLY (REFS A AND B), U.S. LAST FEBRUARY FILED 92 NOTIFICATIONS ON EXPORT RESTRICTIONS MAINTAINED BY 47 DEVELOPED AND DEVELOPING COUNTRIES, FOR INCLUSION IN GATT NTM INVENTORY. (MTN DEL EXPLAINED AT THE TIME THAT NOTIFICATIONS MADE IN ORDER TO PROVIDE A BANK OF INFORMATION TO DRAW UPON IN DISCUSSIONS OF "THE SUPPLY ISSUE"--E.G., IN MTN FRAMEWORK GROUP -- AND WERE THUS NOT TO BE TAKEN AS COMPLAINTS AGAINST OR REQUESTS FOR CONCESSIONS FROM ANY PARTICULAR COUNTRY.) OF THE ORIGINAL 92 NOTIFICATIONS SUBMITTED, 63 HAVE TO DATE BEEN PUBLISHED IN ADDENDA TO NTM INVENTORY (MTN/3B/1-5/ADD. 7 AND ADD. 8). AN ADDITIONAL 19 NOTIFICATIONS TO BE PUBLISHED IN NEXT ADDENDUM, PROBABLY IN EARLY SEPTEMBER. PER REFEELS B AND C, SEVEN NOTIFICATIONS HAVE BEEN DELETED (SEE PARA 7 BELOW); THREE NOTIFICATIONS REMAIN IN LIMBO PENDING SOME RESPONSE FROM EGYPT, IRAN AND ZAIRE (SEE PARAS 8-10 BELOW). RE THE 82 NOTIFICATIONS PUBLISHED AND PENDING PUBLICATION IN NTM INVENTORY, BREAKDOWN OF COUNTRY RESPONSES IS AS FOLLOWS:
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2. NON-COMMITTAL RESPONSES, RESERVING RIGHT TO COMMENT AT A LATER STAGE, GIVEN BY AUSTRALIA (ON EXPORT-LICENSING NOTIFICATION), AUSTRIA, BRAZIL, DOMINICAN REPUBLIC, FINLAND, GABON, GUATAMALA, HAITI, IRELAND, JAPAN, NEW ZEALAND, NICARAGUA, NIGERIA, NORWAY, PAKISTAN, SPAIN, TANZANIA, U.K., URUGUAY AND YOGOSLAVIA.

3. SPECIFIC, EXPLANATORY/DESCRIPTIVE COMMENTS FILED ON MEASURES MAINTAINED BY AUSTRALIA (STATE TRADING NOTIFICATION), CANADA, COLOMBIA, EC, GHANA, GUYANA, INDIA, INDONESIA, JAMAICA, KOREA, MALAYSIA, PANAMA, PHILIPPINES, SINGAPORE, SWEDEN, SWITZERLAND, THAILAND AND TUNISIA. COMMENTS BY ABOVE COUNTRIES GENERALLY STRAIGHT FORWARD (ALBEIT FREQUENTLY SELF-SERVING), AND OFTEN CONCLUDE WITH STATEMENTS TO THE EFFECT THAT MEASURES ARE CONSISTENT WITH GATT AND OTHER INTERNATIONAL OBLIGATIONS. SPECIFIC COMMENTS ON MEASURES MAINTAINED BY INDIA, HOWEVER, CONCLUDE WITH STATEMENT, "WE DO NOT CONSIDER SUCH MEASURES TO BE THE SUBJECT MATTER OF NEGOTIATIONS." SPECIFIC COMMENT ON MEASURES MAINTAINED BY TURKEY CONCLUDES WITH STATEMET THAT NOTIFICATIONS ON LDC EXPORT MEASURES ARE "NOT CONSISTENT

WITH THE LETTER AND SPIRIT" OF GATT AND TOKYO DECLARATION.
CANADIAN COMMENTS ON SPECIFIC MEASURES MAINTAINED BY
PROVINCES (I.E., ONTARIO'S EXPORT EMBARGO ON MINERAL ORES,

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/142 W

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P R 191725Z AUG 77
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 473
INFO AMEMBASSY BOGOTA
AMEMBASSY BRUSSELS
AMEMBASSY BUENOS AIRES
AMEMBASSY CAIRO
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AND MANITOBA'S EXPORT EMBARGO ON ORES AND MINERALS)
STATE THAT, IN EACH CASE, RELEVANT PROVISION IN PROVINCIAL
LEGISLATION "IS NOT AN EXPORT EMBARGO BUT RATHER A
CONDITION WHICH THE PROVINCE AS OWNER OF THE RESOURCES
HAS ATTACHED TO ITS EXPLOITATION."

4. GENERAL COMMENTS, IN FIRST THREE CASES SUPPLEMENTING
SPECIFIC COMMENTS NOTED ABOVE, FILED IN PART 4 OF INVENTORY
BY AUSTRALIA, CANADA, THAILAND AND PAKISTAN. GENERAL
COMMENT BY AUSTRALIA STATES, IN ESSENCE, THAT EXPORT
RESTRICTIONS DO NOT CONSTITUTE A SERIOUS OBSTACLE TO
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INTERNATIONAL TRADE. CANADIAN GENERAL COMMENT SUPPORTS INCLUSION OF "SUPPLY ISSUE" IN MTN BUT, FOR INITIAL NEGOTIATING STAGES AT LEAST, ONLY "IN THE CONTEXT OF PRODUCT-RELATED GROUPS (I.E., THE SECTORS GROUP AND THE AGRICULTURE GROUP AND ITS SUB-GROUPS)." GENERAL COMMENT BY THAILAND DENIES ANY ADVERSE IMPACT OF MEASURES NOTIFIED ON TRADE WITH U.S. OR ON WORLD TRADE GENERALLY. COMMENT BY PAKISTAN SUPPORTS U.S. VIEWS ON DISTORTIONS CAUSED BY EXPORT RESTRICTIONS, BUT STATES THAT IMPORT RESTRICTIONS ON LDC PRODUCTS POSE A FAR GREATER PROBLEM.

5. ANDEAN COUNTRIES NOTIFIED (BOLIVIA, COLOMBIA, ECUADOR AND VENEZUELA), PLUS ARGENTINA AND MEXICO, SUBMITTED COMMENTS DISPUTING PLACEMENT OF NOTIFICATIONS IN NTM INVENTORY PENDING TNC DECISION ON WHETHER, AND IN WAHT FORUM, EXPORT RESTRICTIONS SHOULD BE NEGOTIATED IN MTN. BOTH ANDEAN AND MEXICAN COMMENTS GO ON TO REJECT U.S. ASSERTION THAT GATT IS "AN ENUNCIATION OF INTERNATIONAL PRINCIPLES WHICH SHOULD BE GENERALLY APPLICABLE TO THE INTERNATIONAL TRADE SYSTEM," AND HENCE IMPLICITLY APPLICABLE TO NON-GATT MEMBERS. ANDEAN COMMENT RESERVES RIGHT OF INDIVIDUAL COUNTRIES TO FURNISH SPECIFIC INFORMATION ON MEASURES MAINTAINED BY THEM; TO DATE, COLOMBIA IS ONLY MEMBER OF ANDEAN GROUP TO HAVE DONE SO.

6. (FYI: LATIN AMERICANS, LED BY ARGENTINA AND SUPPORTED BY VENEZUELA AND ECUADOR AMONG THE ANDEANS, TOGETHER WITH INDIA AND TURKEY, HAVE REACTED VIGOROUSLY AGAINST EFFORTS TO TAKE UP EXPORT RESTRICTIONS IN MTN FORA, MOST NOTABLY DURING CONSIDERATION OF WORK PROGRAM FOR FRAMEWORK GROUP. LATEST PROCEDURAL PLOY REGARDING EXPORT-RESTRICTIONS NOTIFICATIONS SEEMS UNFOUNDED: WHILE IT IS TRUE THAT TNC HAS NOT DECIDED QUESTION OF COMPETENCE RE EXPORT RESTRICTIONS,

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REPORT OF GROUP 3(B) TO TNC (DOCUMENT MTN/3, DATED 10 JULY 1974, PARA. 27) RECORDS AGREEMENT THAT, PENDING SUCH A DECISION, "COUNTRIES WISHING TO NOTIFY SPECIFIC EXPORT RESTRICTIONS WOULD DO SO BY REQUESTING THE (GATT) SECRETARIAT TO INCLUDE THEM IN THE INVENTORY OF NON-TARIFF MEASURES." END FYI.) IN PART TO SATISFY OBJECTIONS NOTED ABOVE, GATT SECRETARIAT APPENDED A NOTE TO ADDENDA 7 AND 8 OF NTM INVENTORY, WHICH STATES: "THE INCLUSION OF NOTIFICATIONS ON EXPORT CONTROL MEASURES IN THE INVENTORY AT THE PRESENT TIME IS WITHOUT PREJUDICE TO THE POSITIONS OF SOME DELEGATIONS AS TO THE FORM IN WHICH THIS MATERIAL SHOULD

APPROPRIATELY BE COMPILED AND PRESENTED."

7. DISCUSSIONS AND CORRESPONDENCE WITH SOME DELS (SEE REFTELS B AND C) HAVE LED TO FOLLOWING CHANGES IN NOTIFICATIONS ORIGINALLY SUBMITTED: ONE NOTIFICATION AGAINST TUNISIA (EXPORT DUTIES) DELETED; ONE NOTIFICATION AGAINST SWEDEN (EXPORT EMBARGO) MODIFIED TO STRIKE OUT "MOLASSES"; ONE NOTIFICATION AGAINST NORWAY (EXPORT LICENSING) MODIFIED TO STRIKE OUT "SAWN WOOD/LUMBER"; TWO NOTIFICATIONS AGAINST DENMARK (EXPORT EMBARGO AND EXPORT LICENSING) DELETED; TWO NOTIFICATIONS AGAINST IRELAND (EXPORT EMBARGO AND EXPORT QUOTA) DELETED; TWO NOTIFICATIONS AGAINST U.K. (EXPORT LICENSING AND EXPORT QUOTA) DELETED; AND ONE NOTIFICATION AGAINST U.K. (EXPORT EMBARGO) MODIFIED TO STRIKE OUT ALL BUT "TIN, NICKEL AND ZINC SCRAP". IN LATTER THREE CASES, CHANGES MADE IN LIGHT OF COMMON EC REGIMES COVERING FERROUS SCRAP, AND WASTE AND SCRAP OF COPPER AND COPPER ALLOYS (INCLUDING ASH AND RESIDUES), ALUMINUM AND LEAD (SEE PARAS 4 AND 5, REF B). SUCH INDIVIDUAL MEMBER-STATE MEASURES NOW COVERED BY NOTIFICATIONS AGAINST THE COMMUNITY AS A WHOLE; CERTAIN MEMBER-STATE MEASURES NOT RELATED TO A COMMON EC REGIME REMAINS AS INDIVIDUAL NOTIFICATIONS, AGAINST IRELAND AND U.K.

8. EGYPTIAN MISSION REPORTEDLY STILL AWAITS INSTRUCTIONS
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P R 191725Z AUG 77
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TO SECSTATE WASHDC PRIORITY 474
INFO AMEMBASSY BOGOTA
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FROM CAIRO ON RESPONSE TO U.S. NOTIFICATION (EXPROT
EMBARGO ON LEATHER HIDES AND SKINS, WOOD, MOLASSES,
SHELLAC, BROOMSTRAW AND COFFEE), BUT HAS TOLD US INFORMALLY
THAT SOME OF THE PRODUCTS CITED "CANNOT BE SUBJECT TO AN
EMBARGO BECAUSE THEY ARE NOT EVEN PRODUCED IN EGYPT."

9. IRANIAN MISSION HAS TOLD US INFORMALLY THAT NOTIFIED
RESTRICTIONS (EXPORT LICENSING OR ADMINISTRATIVE DOCU-
MENTATION REQUIREMENTS ON CERTAIN HIDES AND SKINS, FERROUS
SCRAP, AND NONFERROUS SCRAP) NO LONGER IN EFFECT, BUT
AWAITS CONFIRMATION FROM TEHRAN,
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10. STATUS OF NOTIFICATION ON EXPORT DUTY ON COPPER
MAINTAINED BY ZAIRE MREMAINS CONFUSED (SEE GENEVA 3140;
KINSHASA 6713; AND STATE 178239). OF NEARLY 50 COUNTRIES
NOTIFIED, ZAIRE IS THE ONLY ONE WHICH HAS INSISTED THAT
NOTIFICATION BE WITHDRAWN ON GROUNDS OTHER THAN INACCURACY.

11. WE WILL SEND TO STR VIA NEXT WASHINGTON TRAVELER
COPIES OF ADDENDA 7 AND 8 TO NTM INVENTORY, AND DELEGATIONS'
LETTERS CONTAINING COMMENTS TO BE PUBLISHED IN NEXT
ADDENDUM. WASHINGTON MAY WISH TO PASS SOME OR ALL OF
THESE COMMENTS TO APPROPRIATE EMBASSIES FOR VERIFICATION
AND ANALYSIS AS NECESSARY. WE ARE POUCHING DIRECTLY TO
EMBASSIES OTTAWA AND BRUSSELS LETTERS RECEIVED FROM
CANADIAN AND EC DELS.

12. ACTION REQUESTED: PLEASE RECHECK INFORMATION ON
NOTIFICATIONS MENTIONED PARAS 8 AND 9 ABOVE AND ADVISE.

13. FOR CAIRO, TEHRAN, KINSHASA: ANY INFO WHICH YOU
COULD PROVIDE, RE PENDING HOST-COUNTRY RESPONSES TO
NOTIFICATIONS MENTIONED PARAS 8-10 ABOVE, WOULD BE

APPRECIATED.CULBERT

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Message Attributes

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Decaption Note:
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Disposition Approved on Date:
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To: STATE
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